

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA  
SOUTH BEND DIVISION

JOSEPH PHILLIP GERBER, II,

Plaintiff,

v.

ELKHART COUNTY CORRECTIONAL,  
et al.,

Defendants.

CAUSE NO.: 3:18-CV-864-RLM-MGG

OPINION AND ORDER

Joseph Phillip Gerber, II, a prisoner without a lawyer, filed a motion asking to be appointed counsel in this civil lawsuit. “There is no right to court-appointed counsel in federal civil litigation.” *Olson v. Morgan*, 750 F.3d 708, 711 (7th Cir. 2014) (citing *Pruitt v. Mote*, 503 F.3d 647, 649 (7th Cir. 2007)). However, in some circumstances, the court may ask an attorney to volunteer to represent indigent parties for free. “When confronted with a request under § 1915(e)(1) for pro bono counsel, the district court is to make the following inquiries: (1) has the indigent plaintiff made a reasonable attempt to obtain counsel or been effectively precluded from doing so; and if so, (2) given the difficulty of the case, does the plaintiff appear competent to litigate it himself?” *Pruitt v. Mote*, 503 F.3d 647, 654 (7th Cir. 2007) (en banc).

Here, Gerber says he contacted two organizations asking them to take this case before it was filed. That was not a reasonable attempt to obtain counsel on his own. Gerber must write to individual attorneys. “If . . . the indigent has made no reasonable attempts to secure counsel . . . , the court should deny any [such requests] outright.”

*Jackson v. County of McLean*, 953 F.2d 1070, 1073 (7th Cir. 1992); *see also Pruitt*, 503 F.3d at 654; *Romanelli v. Suliene*, 615 F.3d 847 (7th Cir. 2010); *Bracey v. Grondin*, 712 F.3d 1012, 1016 (7th Cir. 2013).

For these reasons, the court DENIES the motion (ECF 3). The clerk is DIRECTED to send Joseph Phillip Gerber, II, ten (10) copies of the screening order (ECF 10) so he can include them with a letter to ten individual attorneys asking for representation.

SO ORDERED this January 28, 2019.

s/Michael G. Gotsch, Sr.  
Michael G. Gotsch, Sr.  
United States Magistrate Judge